IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6371 of 2004

Between:

1 Samudrala Mallesh S/o S.Narasaiah
CT.No.1196, Inmate of Cherlapalli Central Prison Cherlapalli, Ranga Reddy Dist
2 Seelam Ramesh S./o Seelam Ramulu
CTNo.2234 Innate of Cherlapalli Central Prison,
cherlapalli, Ranga Reddy Dist

..... PETITIONERS

AND

1 Superintendent , Cherlapalli Central Perison,
Ranga Reddy Dist
2 Superintendent Central Prison
Warangal, Warangal District.
3 Inspector General of Prisons Director of Correctional Services
Chenchalaguda, Hyderabad
4 Principal Secretary (Home)
Secretariat, Hyd

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not transferring the petitioners viz., samudrala Mallesh (CT.1196) and Seelam Ramesh (CT2236) Life convicts From Cherlapalli Central Prison to Warangal Central Prison, the nearest Central Prison to their native District Karimnagar as illegal, unlawful and violative of Art. 14 of Constitution of India, apart from violative of Jail manual and consequently direct the respondents to transfer the petitioners to Warnagal Central Prsion forthwith and pass

Counsel for the Petitioner: MR.D.SURESH KUMAR

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

THE HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.6371 OF 2004

ORDER:

The petitioners, two in number are the life convicts and are undergoing imprisonment in Central Prison, Cherlapally.

In this writ petition they are seeking a declaration that the alleged action of the respondents in not transferring them from Central Prison, Cherlapally to Central Prison, Warangal, which is the nearest Central Prison to their native district Karimnagar, as arbitrary and illegal. The petitioners alleged that the respondents failed to consider their request for transfer to the Central Prison, Warangal though similar requests made by other life convicts have been favourably considered. It is further alleged that they were also denied release on parole in spite of the fact that they never engaged in any illegal or unlawful activity in the jail. Hence, this writ petition.

The first respondent-Superintendent of Central Prison, Cherlapally filed a counter affidavit stating that the petitioners who were convicted in Sessions Case No.90 of 1994 on the file of the District and Sessions Judge, Karimnagar on 15.11.1995 were initially confined at Central Prison, Warangal from 15.11.1995 to 9.6.1998 and thereafter they were transferred to Central Prison, Vishakapatnam on administrative grounds, and later they were transferred to Central Prison, Cherlapally on 11.7.2000 as per the orders of the Inspector General of Prisons and Director of Correctional Services, Government of Andhra Pradesh, dated

27.9.2003, who is the competent authority to transfer a convict prisoner from one Central Prison to another Central Prison either on request of the petitioner or on

administrative grounds. It is further stated that the petitioners made a representation dated 13.6.2003 requesting for their transfer to Central Prison, Warangal which was forwarded to the Director General and Inspector General of Prisons and Correctional Services, Andhra Pradesh. However, their request was rejected by the Director General and Inspector General of Prison and Correctional Services vide his proceedings dated 27.9.2003. The said order was communicated to the petitioners on 6.10.2003. So far as the allegation that the petitioners were denied reference of parole even after completion of three years, it is stated that as per the Parole and Furlough Rules, the reports of the concerned District Probation Officer and the Superintendent of Police are to be called for on the request of the prisoner either for release on parole or furlough and basing on the said recommendations a proposal has to be submitted to the Principal Secretary to the Government for Home for consideration of the release of any convict on parole. If it is a furlough a proposal has to be submitted to the Director General and Inspector General of Prison and Correctional Services. In pursuance of the petition submitted by the petitioners dated 23.7.2003 requesting for release on parole, reports were called for from the District Probation Officer, Karimnagar and Superintendent of Police, Karimnagar, which were received in August, 2003 and September, 2003 respectively and basing on the said reports, a proposal was submitted to the Principal Secretary to Government for Home in December, 2003. However, the request of the petitioners was rejected by the Principal Secretary to Government for Home vide proceedings dated 8.1.2004 and the same was communicated to the petitioners. Similarly the request of the petitioners for release on Furlough was also rejected by the Director General & Inspector General of Prisons and Correctional Services, A.P., on 26.12.2003 on the basis of the reports of the Superintendent of Police, Karimnagar.

In the light of the averments in the counter affidavit filed by the first respondent, it is clear that the request of the petitioners for transfer to the Central Prison, Warangal as well as their request for release on parole have been duly considered by the competent authorities and the same were rejected and the said orders have also been communicated to the petitioners. In the circumstances, the allegation of inaction on the part of the respondents cannot be accepted. If the petitioners are aggrieved by the orders of the respondents rejecting their request either for transfer to the Central Prison, Warangal or for their release on parole, it is open to them to work out the appropriate remedy as available under law.

Accordingly granting leave and liberty the writ petition is dismissed. No costs.

09.8.2004.

mdaa.

Copy to:

1 Superintendent , Cherlapalli Central Perison,
Ranga Reddy Dist
2 Superintendent Central Prison
Warangal, Warangal District.
3 Inspector General of Prisons Director of Correctional Services
Chenchalaguda, Hyderabad
4 Principal Secretary (Home)
Secretariat, Hyd

5. Two C.Cs.for G.P.For Home, High Court of A.P., High Court Building, Hyderabad (OUT).

6. Two C.D.Copies.